REMARKS

No claims have been amended, no claims have been canceled, and no new claims have been added. Claims 1-6, 11-17, 22-28 and 33 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Claim Rejections – Double Patenting

The Office Action provisionally rejected claims 1-6, 11-17, 22-28 and 33 as conflicting with claims 1-33 of Application No. 10/840,889 (the Child Application"). This application is the "Parent Application" of the asserted conflicting Child Application. However, a statutory type 35 USC 101 double patenting rejection is not applicable in this matter because there are different limitations recited in the claims in the Parent Application and the Child Application. Because the claims in this Parent Application are no the same as those in the Child Application, a statutory type 35 USC 101 double patenting rejection citing the Child Application is inapplicable.

As stated in MPEP 804.02

> **Claims that differ from each other** (aside from minor differences in language, punctuation, etc.), **whether or not the difference would have been obvious, are not considered to be drawn to the same invention for double patenting purposes under 35 U.S.C. 101.** (**emphasis** added)

Because the claims differ between the Child Application and the Parent Application, a statutory double patenting rejection is inapplicable.

Specifically, pertinent limitations of the independent claims included in the parent and child applications differ. A table presented on the following page shows the differences between the limitations recited in claim 1 in the two pending applications. As can be seen, there are differences between the claims such that they are not the same. Here are some of the differences between claim 1 in the Child Application and the Parent Application, referring to the table on the following page..

First, there is no limitation A in the Parent Application. Limitation A only appears in the Child Application.

Second, in limitation B, the "scanning" in the Child Application is performed "automatically" while in the Parent Application the "scanning" is performed "in response to a user selecting a data unit for display, scanning the data unit for telephone numbers."

Third, in limitation D, the Parent Application recites "packaging an object corresponding to the identified telephone number" while the Child Application recites "embedding objects in the data unit". Thus, as currently claimed, in the Parent Application the "packaging" limitation applies to one or more objects as the phrase "an object" is used, whereas in the Child Application the "embedding" limitation applies to two ore more objects as the word "objects" is used.

Fourth, in limitation E, the Parent Application recites a "display attribute" which is not recited in the Child Application.

Therefore, for at lest these four reasons, the claims in the Parent Application and the Child Application are not the same. That there are different limitations recited in the claims in the Parent Application and the Child Application are not a minor differences. As such, the statutory double patenting rejection is inapplicable and should be withdrawn.

	Appl. No. 10/614,394 -- Parent	Appl. No. 10/840,889 -- Child
A		receiving a first telephone number associated with a first telephone, the first telephone distinct from the client computer
B	**in response to a user selecting a data unit for display**, scanning the data unit for telephone numbers	**automatically** scanning a data unit for telephone numbers
C	automatically identifying at least one telephone number within the data unit	automatically identifying at least one telephone number within the data unit as an identified telephone number, wherein each of the identified telephone numbers is associated with one of a plurality of second telephones distinct from the client computer and distinct from the first telephone
D	**packaging an object** corresponding to the identified telephone number, wherein the object is defined such that the telephone number is activatable the object defines a function for sending a data trigger to a switch over a data network to initiate a telephone call over a telephone network between a first telephone corresponding to a telephone number associated with the user of the client computer and a second telephone corresponding to the identified telephone number, wherein the first telephone and the second telephone are separate and distinct from each other and are separate and distinct from the client computer	**embedding objects** in the data unit, the objects to allow for initiation of telephone calls using the identified telephone numbers, wherein the objects define a function for sending a data trigger to a switch to initiate a telephone call between the first telephone and one of the second telephones
E	when the identified telephone number is displayed as part of a display of the data unit, causing the identified telephone number to have a **display attribute** which renders the identified telephone number conspicuous to the user.	displaying the data unit, including conspicuously rendering the identified telephone numbers.

As shown above, if a double patenting rejection is appropriate, an obviousness type double patenting rejection should be used.

Conclusion

In view of all of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

Date: May 21, 2007

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